

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION**

**GWENDOLYN SMALLS, as Administratrix
of the Estate of LINWOOD RAYMOND
LAMBERT, JR., deceased,**

Plaintiff,

Civil Action No. 4:15CV00017

v.

**CHIEF OF POLICE, JAMES W. BINNER,
COLONEL,
Individually and in his official capacity, et als.,**

Defendants.

MOTION FOR SANCTIONS

COME NOW DEFENDANTS, Chief of Police, James W. Binner, Colonel, Deputy Chief of Police, Brian K. Lovelace, Town of South Boston, the South Boston Police Department, Corporal Tiffany Bratton, Officer Clifton Mann and Officer Travis Clay and request that this Court enter an Order sanctioning Plaintiff's attorneys whose names appear on Plaintiff's response in opposition to Defendant's motion to limit discovery (ECF#26) for the intemperate and unprofessional response thereto, specifically by striking said pleading, or, at a minimum, the offending opening paragraph, and awarding Defendants their costs expended herein.

**CHIEF OF POLICE, JAMES W. BINNER,
COLONEL, ET ALS.**

By Counsel

COUNSEL:

s/ Michael A. Nicholas

James A. L. Daniel (VSB #03881)

Martha White Medley (VSB #21171)

Michael A. Nicholas (VSB #80749)

Counsel for Defendants

DANIEL, MEDLEY & KIRBY, P.C.

110 North Union Street

P. O. Box 720

Danville, VA 24543-0720

(434) 792-3911 Phone

(434) 793-5724 Facsimile

jdaniel@dmklawfirm.com

mmedley@dmklawfirm.com

mnicholas@dmklawfirm.com

CERTIFICATE OF MAILING

I hereby certify that on the 26th day of August 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

David M. Kopstein, Esquire
Kopstein & Associates, LLC
9831 Greenbelt Road, Suite 205
Seabrook, MD 20706
Co-Counsel for Plaintiff's attorneys

Joseph L. Messa, Esquire
Ramon A. Arreola, Esquire
Thomas N. Sweeney, Esquire
Messa & Associates
123 S. 22nd Street
Philadelphia, PA 19103
Co-Counsel for Plaintiff's attorneys

s/ Michael A. Nicholas